IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:21-CV-225-BO

JUDITH KNECHTGES,)	
Plaintiff,)	
v.)	<u>ORDER</u>
N.C. DEPARTMENT OF PUBLIC SAFETY, et al.,)))	
Defendants.)	

This cause comes before the Court on defendants' motion for summary judgment and plaintiff's motion pursuant to Rule 56(d). [DE 54 & 59]. Also pending is a motion to compel related to discovery.

"Rule 56(d) provides that a district court *must* defer ruling on a summary-judgment motion if the party opposing the motion 'shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition." *Hodgin v. UTC Fire & Sec. Americas Corp.*, 885 F.3d 243, 250 (4th Cir. 2018) (emphasis added) (quoting Fed. R. Civ. P. 56(d)).

Defendants have not responded to plaintiff's Rule 56(d) motion and affidavit. Without opposition, plaintiff's Rule 56(d) motion [DE 59] is GRANTED and the Court DENIES defendants' motion for summary judgment [DE 54] WITHOUT PREJUDICE to refiling. Defendants may, if appropriate, refile their motion for summary judgment at the appropriate time and incorporate their prior filings by reference.

Dispositive motions must now be filed not more than thirty (30) days from the date of entry of the order on plaintiff's motion to compel by Magistrate Judge Jones.

SO ORDERED, this ______ day of December 2023.

TERRENCE W. BOYLE

UNITED STATES DISTRICT JUDGE